

Calendar No. 347

103D CONGRESS
1st Session

SENATE

REPORT
103-217

**HAZARDOUS MATERIALS TRANSPORTATION
AUTHORIZATION ACT OF 1993**

Mr. **HOLLINGS**, from the Committee on Commerce, Science,
and Transportation, submitted the following

R E P O R T

OF THE

**SENATE COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION**

ON

S. 1640



DECEMBER 9, 1993.—Ordered to be printed

Filed under authority of the order of the Senate of November 17
(legislative day, November 2), 1993

U.S. GOVERNMENT PRINTING OFFICE

79-010

WASHINGTON: 1993

SECTION 11.—GRADE CROSSING SAFETY

This section requires the Secretary, within 6 months of the date of enactment of this legislation, to amend regulations issued under the HMTA to prohibit the driver of a motor vehicle transporting hazmat in commerce from driving the motor vehicle onto a highway-railroad crossing without having sufficient space to drive completely through the crossing without stopping. This section requires the Secretary likewise to amend the regulations issued under the Motor Carrier Safety Act of 1984 regarding the driver of any commercial motor vehicle.

This section seeks to improve safety at highway-railroad crossings in response to fatalities that have occurred from accidents involving commercial motor vehicle operators who failed to use proper caution while crossing. The number of fatalities resulting from such accidents often is increased because of the presence of hazardous materials. The Committee is keenly aware of highway-railroad grade-crossing safety issues and of the potential for accidents at these crossings. Accordingly, the Committee believes that imposing a Federal statutory obligation on drivers of all commercial motor vehicles to consider whether they can cross safely and completely these intersections will help to reduce the number of tragedies associated with grade-crossing accidents.

SECTION 12.—DRIVER'S RECORD OF DUTY STATUS

This section requires the Secretary, within 6 months of the effective date of this legislation, to amend 49 C.F.R. 395.8(k) to require: (1) that any supporting document relevant to the record of a commercial motor vehicle driver's duty status be retained, by the motor carrier's receipt of such document; and (2) that such document include information identifying the driver and vehicle related to the document.

For purposes of this section, "supporting document" may include any relevant electronic or paper document generated in the normal course of business, such as trip reports, pay slips, shipping papers, and receipts for fuel, lodging, and tolls. A supporting document also may include any document that DOT requires to be retained as a result of an enforcement order issued pursuant to a motor carrier safety or hazmat transportation law or regulation.

In the commercial motor carrier industry, one carrier may lease the services of drivers, such as owner-operators, independent contractors, and fleet-broker drivers, who are employed by another carrier. However, documentation of a leased driver's duty status frequently is not retained by the carrier using the driver. This section would ensure that supporting documents, generated by such business arrangements, are maintained at the principal place of business of that carrier. The primary intent of this section is to assist State and Federal safety investigators documenting violations of the Federal Motor Carrier Safety Regulations, such as driving in excess of legally permissible hours and falsifying logbooks.

SECTION 13.—SAFETY PERFORMANCE HISTORY OF NEW DRIVERS

This section requires the Secretary, within 18 months after the date of enactment of this regulation, to amend 49 C.F.R. 391.23 to